IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

PAUL RHODES,	)	Civil Action No. 7:11cv00366
Plaintiff,	)	
	)	
v.	)	**MEMORANDUM OPINION**
	)	
MONK,	)	By: Samuel G. Wilson
Defendant.	)	United States District Judge

Paul Rhodes, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 seeking unspecified relief. Rhodes has not submitted payment of the filing fee and, thus, the court liberally construes his complaint as a request to proceed in forma pauperis and grants that request. However, the court finds that Rhodes has not stated a claim upon which relief may be granted and, therefore, dismisses this action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

I.

Rhodes makes no cognizable allegations in his complaint.[1] To state a claim for relief under §1983, a plaintiff must allege facts indicating that plaintiff has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). Rhodes' complaint does not contain a single constitutional claim against anyone. Accordingly, the court finds that Rhodes has failed to state a constitutional claim upon which relief may be granted and, therefore, the court dismisses his complaint without prejudice.

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[1] In his "Statement of the Claim," Rhodes states: "[Unknown name] on 12/7/10 receive[d] request, never responded. Also head treatment counselor also sended [sic] request, never answered. Never did [a]nother, but lied until Monk was next lied all commonfare diet. [sic] Hensey."

III.

For the reasons stated, the court dismisses Rhodes' complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 29th day of July, 2011.

United States District Judge